



House of Representatives

General Assembly

File No. 857

January Session, 2015

Substitute House Bill No. 7004

House of Representatives, May 19, 2015

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING IMPLEMENTATION OF THE
RECOMMENDATIONS OF THE TASK FORCE TO STUDY SERVICE OF
RESTRAINING ORDERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) In each Superior Court
2 where a restraining order issued under section 46b-15 of the general
3 statutes may be made returnable, the Chief Court Administrator shall
4 ensure that there is designated space within such court so as to permit
5 a meeting between a state marshal and a person seeking service of the
6 notice of hearing and any order issued under section 46b-15 of the
7 general statutes.

8 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) The Chief Court
9 Administrator shall revise and simplify the process for filing an
10 application for relief from abuse under section 46b-15 of the general
11 statutes. The Chief Court Administrator shall ensure that any person
12 seeking to file an application for relief from abuse is provided with a
13 one-page, plain language explanation on how to apply for relief from

14 abuse under section 46b-15 of the general statutes.

15 (b) The Chief Court Administrator shall annually collect data on (1)
16 the number of restraining or protective orders issued under section
17 46b-15, 46b-16a or 46b-38c of the general statutes; and (2) the number
18 of such orders issued that are subsequently vacated because the
19 respondent could not be served with the order.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section

APP *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill does not result in a cost to the state or municipalities. It requires the Judicial Department to designate space within each Superior Court where restraining orders are issued for a state marshal and a person seeking service. Currently, state marshals meet with applicants in the Court Service Centers, found in most courthouses. To the extent that this area of the courthouse is sufficient to meet this provision of the bill, this section does not result in a fiscal impact.

The bill requires the Judicial Department to revise and simplify the process for filing a restraining order application and provide a one-page, plain language explanation of how to apply and collect data on various restraining and protective order information. It is anticipated that the Judicial Department will be able to comply with these provisions without additional resources.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 7004****AN ACT CONCERNING IMPLEMENTATION OF THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY SERVICE OF RESTRAINING ORDERS.****SUMMARY:**

This bill requires the chief court administrator to:

1. ensure that there is designated space for meetings between state marshals and civil restraining order applicants in each Superior Court to which the service of a restraining order may be returned;
2. revise and simplify the process for filing a restraining order application and ensure that anyone seeking to apply for relief from abuse is given a one-page, plain language explanation of how to apply; and
3. collect data annually on the number of civil restraining orders, civil protection orders, and family violence protective orders (a) issued and (b) vacated because the respondent (accused) could not be served (see BACKGROUND).

EFFECTIVE DATE: October 1, 2015

BACKGROUND***Civil Restraining Order***

A family or household member may apply to the Superior Court for a civil restraining order for relief from physical abuse, stalking, or a pattern of threatening from another family or household member (CGS § 46b-15).

Civil Protection Order

A victim of sexual abuse, sexual assault, or stalking may apply to the Superior Court for a civil protection order if he or she is not eligible for the restraining order described above (CGS § 46b-16a).

Protective Orders in Family Violence Cases

In all family violence cases, a Superior Court judge may issue a protective order to protect the victim from threats, harassment, injury, or intimidation by the defendant (CGS § 46b-38c).

Legislative History

The House referred the bill (File 732) to the Appropriations Committee, which reported a substitute eliminating provisions on the service of the restraining order applicant's affidavit, verbal service of process by a police officer, state marshals' mileage expense reimbursement and access to the Judicial Branch's protective orders registry, the chief court administrator's requirement to collect data on the methods of successful service of process, and the state marshal commission's expanded regulatory authority and study.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 29 Nay 15 (04/06/2015)

Appropriations Committee

Joint Favorable Substitute

Yea 35 Nay 22 (05/13/2015)